UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,176	02/01/2002	Richard E. Rowe	IGT1P048/P-537	2727

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EXAMINER
RATHINASAMY, PALANI P

ART UNIT	PAPER NUMBER
3622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/066,176	ROWE ET AL.
	Examiner	Art Unit	
	Palani P. Rathinasamy	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Status of the Claims

1.   This action is response to amendment filed 7/13/2007. Per amendment, claims

1, 18, 21, and 24, have been amended. Claim 27 has been added. Claims 1-27 remain

pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   **Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Dandurand ("Market Niche Analysis In the Casino Gaming Industry", Journal of

Gambling Studies, Vol. 6(1), Spring 1990).

3.   Regarding claims 1, 18, 21, 24, and 27, Dandurand teaches of analyzing casino

customers and segmenting them into groups and sub-groups. (Page 78). Dandurand

gives an example where by customers are first grouped based on their "Slot Gaming

Budget." (Page 82, Table 1). Then, players with a budget greater than $500 are further

sub-divided based on other attributes. (Page 83, Table 2). After a target player is

identified, offers and benefits are conferred to those who fall within that segmentation.

(Page 24). Dandurand teaches that the data is taken from a database (i.e. queried).

(Page 81).

4.   Regarding claims 14-15, 18, 21 and 24, Dandurand does not explicitly teach that this method is accomplished using a computer, however, Dandurand teaches of Management Information Systems (MIS) functions of the enterprise. (Page 84). MIS is a computer system designed to help managers plan and direct business and organizational operations. (Dictionary.com). An automatic means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). Additionally, applicant teaches that it is already common for data to be collected and searched in "database queries". (Specification, Page 2). *See* MPEP § 2144.04.

        Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have used a computer to automate the data analysis that Dandurand teaches. One would have been motivated to do so in order to save time and to take advantage of the computing power of a computer.

5.   Regarding claim 2, in the example given by Dandurand, the customers are sorted based on their "slot gaming budget." Those who have a budget greater than $500 are placed in the group "premium" which is then further segmented.

6.   Regarding claim 3, applicant teaches that the "query" attribute that is used to create the "first subset" is part of the "selected attributes." The query attribute in claim 2 is used to create a "first subset" whereby all individuals in this group have at least the "query attribute." However, applicant states in claim 1 that the "selected attributes" are compared in order to determine a "difference" between individuals. It is unclear to the examiner how it would be possible to have a query attribute that is used to find similar

individuals also be in the group of attributes that is used to find "difference[s]" between individuals.

7.   Regarding claim 4, Dandurand's first sorts the data based on "Slot Gaming Budget." (Page 82). Dandurand then compares the individuals in a specific category based on other attributes, none being "Slot Gaming Budget." (Page 83).

8.   Regarding claim 5, applicant teaches of defining a "gaming DNA". Applicant teaches that a "gaming DNA" for an individual is "any subset of the attributes stored in the system's player tracking database." (Specification, Page 14). Dandurand teaches creating user profiles with selected variables. (Page 82)

9.   Regarding claims 6-8, applicant teaches that the attributes of the "gaming DNA" can be equal to, more than or less than the "selected attributes." Applicant teaches that the DNA may "vary from analysis to analysis." (Specification, Page 14). The DNA may be "redefined each time the player tracking database is mined." (Id.). Dandurand does not explicitly teach every possibility, however, Dandurand teaches that the profile is composed of selected variables. (Page 82) Dandurand further teaches that the profile could be expanded into a "richer profile" with more variables or could be reduced to focus on a niche. (Page 83, 84).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have created the user profile with any number of user attributes. One would have been motivated to do so in order to expand or reduce the "niche" market.

10.   Regarding claim 9, Dandurand teaches of a target market strategy on the
segmented groups. (Page 74).

11.   Regarding claim 10, applicant teaches that the marketing strategy comprises
"identifying at least one single relational polymorphism" between the subsets. Applicant
teaches that a "single relational polymorphism" is an attribute which is different for a
subset of individuals. (Specification, Page 17). Dandurand teaches of a similar method
whereby the marketing strategy is focused on specific sub-groups, or "niche markets."
(Page 83). These "sub-groups" share the same parent group; in this case, budgets
greater than $500.

12.   Regarding claim 11 and 13, Dandurand teaches of similar attributes. (Page 83,
Table 2).

13.   Regarding claim 12, and 17, Dandurand teaches a similar method of using "Las
Vegas Visitor Profile" as the database that consists of players gambling in Las Vegas.
(Page 82).

14.   Regarding claim 16, 17, 19, 20, 22, 23, 25, and 26, Dandurand teaches of similar
tracking data, such as average bet at electronic slots. (Page 83)

15.   **Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Dandurand ("Market Niche Analysis In the Casino Gaming Industry", Journal of
Gambling Studies, Vol. 6(1), Spring 1990) in view of Sheppard (US 6,026,397).**

16.   Regarding claims 1, 18, 21, 24, and 27, Dandurand teaches of analyzing casino
customers and segmenting them into groups and sub-groups. (Page 78). Dandurand

gives an example where by customers are first grouped based on their "Slot Gaming

Budget." (Page 82, Table 1). Then, players with a budget greater than $500 are further

sub-divided based on other attributes. (Page 83, Table 2). After a target player is

identified, offers and benefits are conferred to those who fall within that segmentation.

(Page 24). Dandurand teaches that the data is taken from a database (i.e. queried).

(Page 81).

17.   Regarding claim 1, 14-15, 18, 21, 24, and 27, Dandurand does not explicitly

teach that this method is accomplished using a computer, however, Dandurand teaches

of Management Information Systems (MIS) functions of the enterprise. (Page 84). MIS

is a computer system designed to help managers plan and direct business and

organizational operations. (Dictionary.com). Sheppard teaches of a method for using a

computer to segment databases into groups and sub-groups. (Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art, at the

time of the invention, to have used a computer to automate the data analysis process.

One would have been motivated to do so in order to save time and to take advantage of

the computing power of a computer.

Regarding dependent claims 2-13, 16-17, 19-20, 22-23, 25-26, the rejection above in ¶¶

4-14 applies here.

Response to Arguments

18.   Applicant's amendment has overcome the claim rejection under 35 U.S.C. § 101

and 35 U.S.C. § 112. The rejection on this ground has been withdrawn.

19.   Applicant's arguments filed 7/13/2007 have been fully considered but they are not persuasive.

20.   Applicant argues on page 12 that Dandurand fails to teach "querying the relational database to determine a further subset of the first subset of the individuals having a second a least one of the plurality of attributes in common." Examiner respectfully disagrees.

However, Dandurand teaches of analyzing database information in order to segment various customers in a casino. (Page 81). The database contains information relating to the customers preferences and gaming behavior. (Page 81-81). Based on the customer's preferences (as well as other variables), customers are segmented into groups and sub-groups. (Fig. 1; Page 78). These groups and sub-groups allow for the determination of target market customers and the creation of targeted marketing programs. (Pages 80-81).

Dandurand gives an example of this iterative segmentation in use. First customers are segmented based on their "slot gaming budget." (Table 1; Pages 81-82). Thereafter, customers are further segmented based on various other factors, such as gender, age, race, etc. (Table 2; Pages 83-84). After a target player is identified, offers and benefits are conferred to those who fall within that segmentation. (Page 24). Therefore, Dandurand gives an example of an iterative method of obtaining customer data from a database, segmenting customers based on various variables, and providing offers and benefits to those customers that are identified.

Conclusion

21.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Examiner's Note: Examiner has cited particular columns, line numbers, and paragraphs in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing responses, fully consider each of the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Palani P. Rathinasamy whose telephone number is (571) 272-5906. The examiner can normally be reached on M-F 8:30-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
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ARTHUR DURAN
PRIMARY EXAMINER